

# Notice of Allowability

Application No.

10/623,639

Examiner

Gladys J Piazza Corcoran

Applicant(s)

BLUGER, HENRY

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to election filed June 17, 2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on May 13, 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/17/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/15/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Gladys J. Piazza Corcoran  
Primary Examiner  
Art Unit 1733

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Smith on September 16, 2004.

The application has been amended as follows:

In the Specification:

In the last paragraph on page 3, line 1, after "FEP" insert --(fluorinated ethylene propylene)--.

In the last paragraph on page 3, line 2, after "PFA" insert --(perfluoroalkoxy polymer)--.

In the last paragraph on page 3, line 2, after "Pt" insert --(platinum)--.

In the last paragraph on page 3, line 2, after "Pt/Ir" insert --(platinum/iridium)--.

In the claims:

Claim 1, line 6, after "a second fluoropolymer layer" insert --on said first fluoropolymer film layer with said confined wires--.

Claim 1, line 7, after "encapsulating" insert --said confined wires with said first and second fluoropolymer layers in--.

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Claim 5, line 1, after "wherein" insert --said removed first and second fluoropolymer layers from--.

Claim 5, line 1, after "end portion", delete "is" and insert --are--.

Cancel claims 7-14.

2. The following is an examiner's statement of reasons for allowance:

Blunger et al. (US Pub. No. 2004/0147992) discloses a method of forming a structure with wires embedded into a fluoropolymer film, undulating the structure and encasing with silicone elastomer to form an implantable medical assembly. However there is no suggestion to embed the wires into the fluoropolymer film as claimed.

Arnold et al. (US Patent No. 3,540,956) discloses a method of embedding wires in fluoropolymer films by forming grooves on a first fluoropolymer film layer, positioning wires into the grooves, depositing a second fluoropolymer on the first layer and encapsulating the wires through the application of heat. However, there is no suggestion to apply heat to confine the wires in the grooves of the first layer prior to depositing a second layer of fluoropolymer onto the first layer of fluoropolymer.

Cardineau et al. (US Patent No. 6,265,691) discloses a known implantable lead coiled and insulated with silicone rubber where the ends are stripped with a laser cutter.

Myers et al. (US Patent No. 5,358,516) discloses a method of forming an implantable lead where the insulating layers are formed of fluorinated ethylene propylene (FEP), perfluoroalkoxy resin (PFA) or silicone.

McGregor et al. (US Patent No. 5,468,314) discloses a method of forming an insulated cable where the insulating layers are formed of fluorinated ethylene propylene (FEP), perfluoroalkoxy polymer (PFA).

Strauss (US Patent No. 5,049,215) discloses a method of forming cables where the wires are oval in shape and the cable is undulated.

Steinemann (US Patent No. 4,945,342) and Byers et al. (US Patent No. 4,819,647) both disclose examples of electrical cables formed with platinum/iridium wires.

While the steps of forming the cable are considered known as discussed in the references above, no prior art was found to show or suggest the method of forming an implantable cable with the combination of steps and the materials as currently claimed.

### ***Conclusion***


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gladys J. Corcoran  
Primary Examiner  
Art Unit 1733

GJPC